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Ex-Green Beret on Trial **Tafoya Prosecutor Complains** **Judge's Rulings Hurting Case**

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FORT COLLINS, Colo., Nov. 19 — The chief investigator in the trial of a former Green Beret charged with attempting to kill a Libyan dissident complained today that a judge's rulings have "crippled" the prosecution's case.

Judge J. Robert Miller ruled Wednesday and today that jurors would not be permitted to consider some of the evidence allegedly linking the defendant, Eugene Tafoya, to former CIA agent Edwin P. Wilson and the Libyan government.

However, a Fort Collins police detective, Ray Martinez, testified today that he traced records of telephone calls from Tafoya to Audrey Goodwin, a woman identified by federal investigators as a housekeeper at a farm owned by Wilson outside London, England.

Prosecutors allege that Tafoya was a professional assassin hired and paid by Wilson at the direction of the Libyan government to kill Faisal Zagallai, a leader of Libyan students in the United States who oppose the regime of Col. Muammar Qaddafi.

Zagallai was shot twice in the head on Oct. 14, 1980. Tafoya's attorneys contend the shooting was done in self-defense.

Miller ruled that FBI agents and local police could not tell the jury about certain items found last April in the search of Tafoya's house in Truth or Consequences, N.M.

Investigators wanted to introduce items they claim are "tools of the

mercenary trade," including a recipe for making firebombs and "delay pencils" used to ignite explosives.

Miller also excluded a cassette tape found in Tafoya's car last spring. On the tape, Tafoya asks a man identified by police as James Clinton Dean, 51, of Fayetteville, N.C., also a former member of the U.S. Army Special Forces, "do you know anyone that should stop breathing? Permanently?"

Tafoya and Dean go on to discuss a firebombing of a car in Kitchener-Waterloo, Ontario, in May, 1979.

The car belonged to Robert Manina, a former business associate who had had a falling out with Wilson, according to investigators.

District Attorney Stewart Van Meveren said Dean, who appeared briefly in court Wednesday, was prepared to testify that he had the conversation with Tafoya.

But one of Tafoya's attorneys, Scott Robinson, said Dean's attorney told him Dean would refuse to testify on the grounds his statement might be self-incriminating.

Dean's attorney refused to talk to reporters and the man federal investigators claim was a go-between for Tafoya and Wilson hurriedly left the courthouse. Dean has not been charged with any crime related to the Tafoya case.

Defense attorney Walter Gerash was as jubilant as prosecutors were dejected by Miller's rulings. "Any judge worth his salt would have ruled the same way," Gerash said.